

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ZILLOW, INC.,

Plaintiff,

vs.

TRULIA, INC.,

Defendant.

Case No. 2:12-cv-01549-JLR

**DEFENDANT TRULIA, INC.'S  
ANSWER TO COMPLAINT FOR  
PATENT INFRINGEMENT AND  
COUNTERCLAIM**

**DEMAND FOR JURY TRIAL**

Defendant Trulia, Inc. ("Trulia") hereby answers Plaintiffs Zillow, Inc.'s ("Zillow") Complaint for Patent Infringement ("Complaint") on personal knowledge as to its own activities and on information and belief as to the activities of others, as follows:

**THE PARTIES**

1. Trulia is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 and, therefore, denies them.

2. Trulia admits the allegations of paragraph 2.

**JURISDICTION AND VENUE**

3. Trulia admits the allegations of paragraph 3.

4. Trulia admits that this Court has subject matter jurisdiction over patent law claims under 28 U.S.C. §§ 1331 and 1338(a). Trulia denies the remaining allegations of paragraph 4.



1 14. Trulia admits that certain of the quotes included in paragraph 14 of Zillow's  
2 Complaint are accurate quotes though out of context. Except as expressly admitted, Trulia  
3 denies the remaining allegations of paragraph 14.

4 15. Trulia admits that it filed a Form S-1 Registration Statement with the Securities  
5 and Exchange Commission on August 17, 2012. Trulia admits that certain of the quotes  
6 included in paragraph 15 of Zillow's Complaint are accurate quotes though out of context.  
7 Trulia denies the remaining allegations of paragraph 15.

8 16. Trulia denies the allegations of paragraph 16.

9 **ANSWER TO COUNT ONE**  
10 **INFRINGEMENT OF THE '674 PATENT**

11 17. Trulia admits that what appears to be a copy of U.S. Patent No. 7,970,674 B2  
12 ("the '674 patent") was attached to the Complaint as Exhibit A and that, on its face, the '674  
13 patent is entitled "Automatically Determining A Current Value For A Real Estate Property, Such  
14 As A Home, That Is Tailored To Input From A Human User, Such As Its Owner" and issued on  
15 June 28, 2011. Trulia denies that the '674 patent was duly and legally issued. Trulia is without  
16 knowledge or information sufficient to form a belief as to the truth of the remaining allegations  
17 of paragraph 17 and, therefore, denies them.

18 18. Trulia is without knowledge or information sufficient to form a belief as to the  
19 truth of the allegations of paragraph 18 and, therefore, denies them.

20 19. Trulia denies the allegations of paragraph 19.

21 20. Trulia denies the allegations of paragraph 20.

22 21. Trulia denies the allegations of paragraph 21.

23 **RESPONSE TO JURY DEMAND**

24 Zillow's demand for a trial by jury for all issues triable to a jury does not state any  
25 allegation, and Trulia is not required to respond.

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1 **PRAYER FOR RELIEF**

2 Trulia denies any and all allegations contained in the remainder of the Complaint and  
3 denies that Zillow is entitled to any of the relief requested in paragraphs (a) through (h) of its  
4 prayer for relief or to any other relief in any form whatsoever against Trulia. Trulia further  
5 denies each and every allegation contained in the Complaint to which it has not specifically  
6 responded.

7 **AFFIRMATIVE DEFENSES**

8 Subject to the above, Trulia alleges and asserts the following defenses in response to the  
9 allegations, undertaking the burden of proof only as to those defenses deemed affirmative  
10 defenses by law, regardless of how such defenses are denominated herein. In addition to the  
11 affirmative defenses described below, Trulia specifically reserves all rights to allege additional  
12 affirmative defenses that become known through the course of discovery.

13 **FIRST AFFIRMATIVE DEFENSE**

14 22. Zillow's Complaint fails to state a claim upon which relief may be granted.

15 **SECOND AFFIRMATIVE DEFENSE**

16 23. Trulia has not infringed, directly or indirectly, literally or by equivalents, any  
17 valid claim of the '674 patent.

18 **THIRD AFFIRMATIVE DEFENSE**

19 24. The claims of the '674 patent are invalid for failure to comply with one or more of  
20 the requirements of 35 U.S.C. §§ 101, 102, 103, and/or 112.

21 **FOURTH AFFIRMATIVE DEFENSE**

22 25. The accused feature, Trulia Estimates, has been publicly available and widely  
23 known since its launch on or about September 7, 2011. Zillow delayed more than a year in filing  
24 this action against Trulia, and Trulia has been prejudiced by this delay. Indeed, days after Trulia  
25 commenced the "roadshow" for its initial public offering to begin marketing its stock to  
26 investors, Zillow filed the subject complaint against Trulia.

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1           26.     Zillow's claims for relief against Trulia are barred, in whole or in part, by the  
2 equitable doctrines of laches, estoppel, and/or waiver.

3                               **FIFTH AFFIRMATIVE DEFENSE**

4           27.     By reason of proceedings in the United States Patent and Trademark Office, and  
5 by reasons of amendments, disclaimers, disavowals, admissions, representations, arguments,  
6 and/or statements made by the applicants or on their behalf, Zillow is estopped from construing  
7 the claims of the '674 patent to cover and/or include any acts of Trulia.

8                               **SIXTH AFFIRMATIVE DEFENSE**

9           28.     Trulia is informed and believes, and thereon alleges, that Zillow may not claim  
10 pre-lawsuit damages, in whole or in part, for failure to comply with 35 U.S.C. § 287.

11                              **SEVENTH AFFIRMATIVE DEFENSE**

12           29.     Zillow has failed to state facts and/or a legal basis sufficient to permit the Court to  
13 grant equitable or injunctive relief against Trulia.

14                              **EIGHT AFFIRMATIVE DEFENSE**

15           30.     Zillow's Complaint, and the cause of action asserted therein, is barred in whole or  
16 in part by the doctrine of unclean hands.

17                              **RESERVATION OF ADDITIONAL AFFIRMATIVE DEFENSES**

18           31.     Trulia reserves all defenses under the Federal Rules of Civil Procedure, the Patent  
19 Laws of the United States, and any other defenses, at law or in equity, that may now exist or in  
20 the future be available based on discovery and further factual investigation in this case.

21                              **COUNTERCLAIM**

22           Defendant and Counterclaimant Trulia, Inc. ("Trulia") hereby alleges for its counterclaim  
23 against Plaintiff and Counterdefendant Zillow, Inc. ("Zillow"), on personal knowledge as to its  
24 own activities and on information and belief as to the activities of others, as follows:

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**THE PARTIES**

1  
2 1. Counterclaimant Trulia is a corporation organized and existing under the laws of  
3 the State of Delaware, with its principal place of business at 116 Montgomery Street, #300,  
4 San Francisco, California 94105.

5 2. On information and belief, Counterdefendant Zillow is a corporation duly  
6 organized under the laws of the State of Washington with its principal place of business at 1301  
7 Second Avenue, Floor 31, Seattle, Washington 98101.

**JURISDICTION AND VENUE**

8  
9 3. The Court has jurisdiction over the subject matter of this action pursuant to  
10 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the patent laws of the United States,  
11 and under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

12 4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391, as this is a judicial  
13 district in which a substantial portion of the events giving rise to the causes of action occurred.

**COUNTERCLAIM FOR DECLARATORY RELIEF  
REGARDING U.S. PATENT NO. 7,970,674 B2**

14  
15  
16 5. Trulia realleges and incorporates by reference each allegation contained in  
17 paragraphs 1-4 of this Counterclaim, inclusive, as if fully set forth herein.

18 6. On or about June 28, 2011, U.S. Patent No. 7,970,674 B2 (“the ’674 patent”)  
19 entitled “Automatically Determining A Current Value For A Real Estate Property, Such As A  
20 Home, That Is Tailored To Input From A Human User, Such As Its Owner,” issued to named  
21 inventor David Cheng. The United States Patent and Trademark Office website indicates that  
22 the ’674 patent was assigned to Zillow.

23 7. On or about September 12, 2012, Zillow filed its Complaint for Patent  
24 Infringement (“Complaint”) alleging infringement of the ’674 patent, naming Trulia as  
25 defendant.

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1 (f) Granting such other and further relief as this Court may deem just and  
2 proper.  
3

4 Dated: March 1, 2013

ATTORNEYS FOR DEFENDANT AND  
COUNTERCLAIMANT TRULIA, INC.

6 By: /s/ Stefani E. Shanberg  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 1, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to counsel of record.

/s/ Stefani E. Shanberg  
Stefani E. Shanberg